

SENATE BILL 145

D4, E1
SB 296/20 – JPR

(PRE-FILED)

11r0600

By: **Senator Hough**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Preventing or Interfering With Report of Suspected Sexual Abuse**
3 **of a Child – Statute of Limitations**

4 FOR the purpose of altering the statute of limitations for a violation of the prohibition on
5 preventing or interfering with the making of a certain report of suspected sexual
6 abuse of a child; providing that a person who violates the prohibition on preventing
7 or interfering with the making of a certain report of suspected sexual abuse of a child
8 may reserve a point or question for in banc review; and generally relating to the
9 reporting of suspected sexual abuse of a child.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 5–106(b)
13 Annotated Code of Maryland
14 (2020 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article – Family Law
17 Section 5–704(a) and 5–705.1(c)(1) and (2)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Family Law
22 Section 5–705.2
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Court and Judicial Proceedings

5–106.

(b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to this subsection:

(1) The State may institute a prosecution for the misdemeanor at any time; and

(2) For purposes of the Maryland Constitution, the person:

(i) Shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary; and

(ii) May reserve a point or question for in banc review as provided under Article IV, § 22 of the Maryland Constitution.

Article – Family Law

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

5–705.1.

(c) (1) If suspected abuse or neglect is alleged to have occurred outside of this State and the victim is currently a child who lives outside of this State, a person who would be required to report suspected abuse or neglect under the provisions of § 5–704 or § 5–705 of this subtitle shall report the suspected abuse or neglect to any local department in accordance with paragraph (2) of this subsection.

(2) A person described in § 5–704 of this subtitle shall make:

1 (i) an oral report, by telephone or direct communication, as soon as
2 possible; and

3 (ii) a written report not later than 48 hours after the contact,
4 examination, attention, or treatment that caused the person to believe that the child had
5 been subjected to abuse or neglect.

6 5-705.2.

7 (a) An individual may not intentionally prevent or interfere with the making of a
8 report of suspected abuse or neglect required by § 5-704 or § 5-705.1(c)(2) of this subtitle.

9 (b) A person who violates this section is guilty of a misdemeanor and on conviction
10 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

11 **(C) A PERSON WHO VIOLATES THIS SECTION WITH RESPECT TO A REPORT**
12 **OF SUSPECTED SEXUAL ABUSE OF A CHILD IS SUBJECT TO § 5-106(B) OF THE**
13 **COURTS ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.